

FEB 13 2012

U.S. DISTRICT COURT
W. DIST. OF N.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION

CASE NO. 1:10-CV 289

WENDY OLSEN,

Plaintiff

vs.

DAYMARK RECOVERY,
SERVICES,

Defendant

ORDER

THIS MATTER is before the Court on the Plaintiff's Motion In Limine (#44) and what appears to be an attempt to amend Plaintiff's Motion In Limine (#46). Having considered these motions the Court enters the following evidentiary ruling using the numbering system that was attempted to be used by the Plaintiff:

I.

In regard to the Plaintiff's Motion In Limine(#44):

1. This Motion is denied. Damages in ADEA cases do not include damages for pain and suffering or emotional distress. Taylor v. Home Ins. Co., 777 F.2d 849, 855 (4th Cir. 1985) .

2. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

3. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

4. Denied. Proud vs. Stone, 945 F.2d 1796 (4th Cir. 1991).

5. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter. Issues regarding "front pay" are determined by the Court and not by the Jury.

Duke vs. Uniroyal, Inc., 928 F.2d 1413, 1424 (4th Cir. 1991)

6. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

7. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

8. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

9. Denied. The Court can not understand this portion of the Plaintiff's Motion In Limine.

10. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

11. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

12. Denied.

II.

As to the pleading filed by the Plaintiff entitled, "Amended Plaintiff's Memorandum In Support Of Motion In Limine" (#46), the Court has considered said Motion and enters the following evidentiary rulings and in doing so attempts to use the numbering system of the Plaintiff:

In regard to Plaintiff's Motion requesting the Court to "discourage" the findings of the Fourth Circuit Court of Appeals in Proud v. Stone, 945 F.2d 1796 (4th Cir. 1991) this Motion is denied.

1. This Motion is denied for reasons set forth in I. (1).

2. Rule 408 of the Federal Rules of Evidence prohibits settlement offers and negotiation discussions from entering into evidence. This Motion is denied.

3. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

4. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

5. Denied.

6. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter. The Plaintiff has grouped together a large number of requests and the Court will not rule upon them due to the unorganized grouping.

7. ~~The Plaintiff did not have a request denoted as number 7.~~
see the record for the Court's ruling

8. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter

9. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

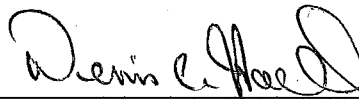
10. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

11. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

12. This Motion is denied without prejudice to renewal at such time as the evidentiary dispute arises during the trial of this matter.

13. Denied.

This the 13th day of February, 2012.

A handwritten signature in cursive script, appearing to read "Dennis L. Howell", written over a horizontal line.

Dennis L. Howell, United States
Magistrate Judge, Judge Presiding